

Sponsors:	Commissioner Powell
	Commissioner Stewart
Second Reading:	September 13, 2021
Publication Date:	September 16, 2021

## ORDINANCE NO. 2021 – 021

### AN ORDINANCE ADOPTING NEW AND AMENDED ZONING REGULATIONS OF THE CITY OF FRANKLIN AND SIMPSON COUNTY, KENTUCKY AS RECOMMENDED BY THE FRANKLIN-SIMPSON PLANNING AND ZONING COMMISSION

WHEREAS, after a public hearing on Tuesday, June 8, 2021 and, pursuant to KRS 100.210 and all other applicable statutes, the Franklin-Simpson County Planning and Zoning Commission approved revisions in Article 7, Section 7.20.2; Article 8, Sections 8.5.2a., 8.8.3 and 8.8.7.1.; Article 9, a new section 9.9; and Article 13, Section 13.2.4 of the Zoning Regulations of the City of Franklin and Simpson County, Kentucky at a meeting held on Tuesday, June 8, 2021, and submitted the regulations to the Board of City Commissioners of the City of Franklin for consideration and adoption; and

WHEREAS, it is in the best interest of the City of Franklin to adopt said regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of City Commissioners as follows:

1. The new and amended zoning regulations contained in Article 7, Section 7.20.2; Article 8, Sections 8.5.2a., 8.8.3 and 8.8.7.1.; Article 9, a new section 9.9; and Article 13, Section 13.2.4 of the City of Franklin and Simpson County, Kentucky approved by the Franklin-Simpson County Planning and Zoning Commission on Tuesday, June 8, 2021 are hereby adopted and all of the provisions, conditions and terms of such regulations on file in the office of the Franklin-Simpson County Planning and Zoning Commission and the office of the City Clerk of the City of Franklin are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance. The additions and revisions are as follows:

(a) A new section 7.20.2.c. shall be created to read as follows:

7.20.2.c. Where the Board of Adjustments previously granted a conditional use permit to allow a mobile or manufactured home to be located on AG zoned property no larger than 9.99 acres and no smaller than 1 acre, and where a legitimate need subsequently arises for the mobile/manufactured home to be replaced, renovated or upgraded in a manner which requires removal of the existing mobile or manufactured home, a new conditional use permit shall not be required to be obtained prior to locating the new mobile or manufactured home if, and only if, all of the following conditions are met:

Conditions required for building permit issuance for replacement mobile or manufactured home:

1. The replacement mobile or manufactured home shall be owner occupied only.
2. The existing mobile or manufactured home that received the conditional use permit must have been continuously inhabited as a dwelling before this exemption for replacement can be granted.
3. The replacement mobile or manufactured home shall be installed on the property by an installer duly licensed in the Commonwealth of Kentucky.
4. Lot dimensions shall be verified and be in compliance with the then current zoning requirements.
5. The replacement mobile or manufactured home shall be anchored and underpinned.
6. Replacement mobile or manufactured home shall be required to have electrical

permit(s) and septic acceptance from the local health department.

7. Replacement mobile or manufactured home shall be permitted and inspected by local planning and zoning office to verify all of the above conditions have been met prior to occupancy.

Application requirements.

1. The lot of record must have an existing mobile or manufactured home on the site at time of inspection by the local planning and zoning office in order to submit an application to locate a replacement mobile or manufactured home on the lot.

2. The applicant must be owner of both the real property and mobile or manufactured home being removed.

3. The applicant must list the installer information and proof of installer's valid license to operate in the Commonwealth of Kentucky.

(b) Section 8.5.2.a. is amended to read as follows:

a. Single family detached or semi-detached and two family dwellings (duplexes), single structure or multiple structures per lot not to exceed the above mentioned density formula of 6.0 dwelling units per acre developed. However, in order to consider multiple structure configurations per lot, the developer must file and receive approval for a development plan under Article 13 of these regulations and maintain compliance with Sections 13.2.6 and 13.2.8 of these regulations to insure the proposal is consistent with the character of the neighborhood and complies with Section 13.2.8. The developer must receive preliminary and final approvals by the Commission before any permits can be issued to construct the proposed development. Furthermore, development plan proposals submitted to the Commission must be consistent and/or comply with existing or proposed neighborhood restrictions or bylaws regarding types of construction. A copy of all such restrictions shall be submitted with the development plan proposal by the developer.

(c) Section 8.8.3 is amended to read as follows:

**8.8.3 Conditional Permitted Uses** The following uses are conditional uses in the R-5 zoning district, and require the written approval of the Board of Adjustment:

- a. Libraries;
- b. child care facility, day care center, and nursery services;
- c. public parks and recreational facilities;
- d. home occupations in compliance with section 9.3.
- e. Recreational Vehicle Parks in compliance with Article 13 and Section 9.9 of these regulations, and full compliance with KRS 219.310 through 219.410 including, but not limited to obtaining a permit through the Commonwealth of Kentucky.

(d) Section 8.8.7. 1. is amended to read as follows:

**Issuance of Building Permit:** The Planning Commission may attach reasonable special conditions to its approval of a development plan for a manufactured home subdivision including, but not limited to requiring a Conditional Use Permit for the Recreational Vehicle Parks. The administrative officer may issue a building permit when the property

owner has satisfied all development plan conditions in accordance with the procedure outlined in Article 13 and Section 9.9 of these regulations.

- (e) A new Article 9, Section 9.9 shall be created to read as follows:

**9.9 Recreational Vehicle Parks**

**9.9.1 Recreational Vehicle Parks may be approved by the Board of Adjustments with a Conditional Use Permit and only in R-5 Zoning Districts provided the following conditions are met and maintained:**

**a. A development plan has been prepared for consideration and a preliminary and final approval from the Planning and Zoning Commission is obtained under Article 13 of these regulations;**

**b. An application for a Conditional Use Permit in an R-5 Zone has been obtained from the Board of Adjustments to operate a planned Recreational Vehicle Park for transient purposes as outlined in this section 9.9.1c. through 9.9.1g.**

**c. A permit is obtained from the Commonwealth of Kentucky as provided and required in KRS 219.310 through 219.410 and further providing evidence of the ability to comply with reasonable standards and regulations as prescribed in those statutes.**

**d. No Recreational Vehicle shall be used as an incidental or accessory structure to any residential or commercial use of property.**

**e. No Recreational Vehicle shall be used as a primary residential structure for over 60 days while parked in the permitted park. Furthermore, no Recreational Vehicle shall be used as a business or commercial structure.**

**f. No Recreational Vehicle Park conditional use application can be approved for no less than 10 spaces or 40% of the single park row of homes populated.**

**g. Recreational Vehicle Parks must comply with all requirements and standards of KRS 219.310 through 219.410, and continually maintain compliance with said statutes. Failure to do so will result in the revocation of the Conditional Use Permit issued by the Board of Adjustments.**

- (f) Article 13, Section 13.2.4 shall be amended to read as follows:

**13.2.4 Manufactured Home Park or subdivision and Conditional Use Permit for the proposed Recreational Vehicle Parks as outlined in Section 9.9.**

2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

August 23, 2021

FIRST READING

September 13, 2021

SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin Kentucky, held on September 13, 2021, on motion made by Stewart, and seconded by Powell, the foregoing ordinance was adopted, after full discussion, by the following vote:

- Yes LARRY DIXON, MAYOR
- Yes JAMIE POWELL
- Yes BROWNIE BENNETT
- Yes WENDELL STEWART
- Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon Mayor  
Larry Dixon, Mayor

ATTEST:

Cathy Dillard  
Cathy Dillard, City Clerk